

EXHIBIT 1

LOEVY+ LOEVY

Gayle Horn <gayle@loevy.com>

Tyler/Henderson Proposed Protective and HIPAA Orders

Alexis M. Gamboa <AGamboa@jsotoslaw.com>

Fri, Jun 7, 2024 at 2:11 PM

To: Gayle Horn <gayle@loevy.com>

Cc: "elliott@loevy.com" <elliott@loevy.com>, "heather@loevy.com" <heather@loevy.com>, Jennifer Bonjean <jennifer@bonjeanlaw.com>, Ashley Cohen <ashley@bonjeanlaw.com>, Gabriella <Gabriella@bonjeanlaw.com>, "arthur@loevy.com" <arthur@loevy.com>, "jon@loevy.com" <jon@loevy.com>, KELLI HUNTSMAN <kelli.huntsman@cookcountysao.org>, "mhowroyd@hinshawlaw.com" <mhowroyd@hinshawlaw.com>, "Lydon, James M." <jlydon@hinshawlaw.com>, "Mehr, Stephen" <smehr@hinshawlaw.com>, "Stephenson, Michael" <mstephenson@hinshawlaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, "agrill@rfclaw.com" <agrill@rfclaw.com>, "Brittany D. Johnson" <bjohnson@rfclaw.com>, "Patrick R. Moran" <pmoran@rfclaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "David A. Brueggem" <DBrueggem@jsotoslaw.com>

Gayle,

Thank you for clarifying Plaintiffs' positions on both the HIPAA and Protective Orders. After discussions with co-counsel, it appears that we are at an impasse. Defendants also cannot agree to your proposal of a joint motion. Our position is that it is more efficient to have definitive dates for motion practice than attempting to trade draft motions back and forth. Defendants' motions are ready to be filed, and all that awaits would be your response and our brief reply. To that end, Judge Durkin requires the inclusion of a proposed briefing schedule in all motions submitted. Please let us know how long Plaintiffs would like for their response. It is our intention to file the motions today if possible, so we appreciate your attention to this matter.

Sincerely,

Alexis M. Gamboa

The Sotos Law Firm, P.C.

141 W. Jackson Blvd. - Suite 1240A

Chicago, Illinois 60604

(630)735-3316 (direct)

(630) 773-0980 (fax)

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From: Gayle Horn <gayle@loevy.com>
Sent: Monday, May 20, 2024 11:53 AM
To: Alexis M. Gamboa <AGamboa@jsotoslaw.com>
Cc: elliot@loevy.com; heather@loevy.com; Jennifer Bonjean <jennifer@bonjeanlaw.com>; Ashley Cohen <ashley@bonjeanlaw.com>; Gabriella <Gabriella@bonjeanlaw.com>; arthur@loevy.com; jon@loevy.com; KELLI HUNTSMAN <kelli.huntsman@cookcountysao.org>; mhowroyd@hinshawlaw.com; Lydon, James M. <jlydon@hinshawlaw.com>; Mehr, Stephen <smehr@hinshawlaw.com>; Stephenson, Michael <mstephenson@hinshawlaw.com>; Eileen E. Rosen <erosen@rfclaw.com>; agrill@rfclaw.com; Brittany D. Johnson <bjohnson@rfclaw.com>; Patrick R. Moran <pmoran@rfclaw.com>; Lisa Meador <LMeador@jsotoslaw.com>; Daniel J. McGinnis <DMcGinnis@jsotoslaw.com>; George Yamin <GYamin@jsotoslaw.com>
Subject: Re: Tyler/Henderson Proposed Protective and HIPAA Orders

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Alexis,

I am writing on behalf of both Tyler and Henderson to follow up on our call on Monday.

1. HIPAA Order

As we discussed, Plaintiffs' position is that they should have an opportunity to do a brief privilege review in advance of any production. While we appreciate that privileges associated with their mental health have been waived given their pending lawsuits, there are other materials that may be included in subpoenas that are not discoverable (e.g., information about a third party/family member's mental health, certain records from when Plaintiffs were young children, etc.). For this reason, Judge Kennelly recently granted the Plaintiffs' version of the HIPAA order in the *Galvan* litigation (No. 23 C 3158).

2. Protective Order

It is Plaintiffs' position that the parties should use the Model Protective Order for this litigation. That is what the Order was designed for and there is no reason to deviate from its use here. Moreover, it is Plaintiffs' position that the Defendants' suggestion that they be permitted to redact certain information (including information identifying third-party witnesses) from documents even when marked confidential is unfair and creates an unequal playing field where the Defendants can locate these witnesses and Plaintiffs cannot. Judge Durkin agreed with Plaintiffs' position in the *Fountain/Hill* (Nos. 19 CV 6080, 6081) litigation and so it seems particularly unnecessary to be re-litigating an issue he has already ruled on here.

If we cannot agree on either protective order, it is Plaintiffs' position that we should file a joint brief in which we both lay out our positions for the Court so that the Court can easily rule.

Thanks,

Gayle

On Fri, May 17, 2024 at 1:17 PM Alexis M. Gamboa <AGamboa@jsotoslaw.com> wrote:

Counsel,

During our meet and confer on Monday May 13th counsel for Plaintiff Henderson and Plaintiff Tyler stated they needed to meet and confer amongst themselves to confirm their position on objections to paragraph 6 and paragraph 2 (relating to production of CRs) of Defendants proposed Protective order. I just wanted to follow up and see if that has taken place, and if so, what official position Plaintiffs are taking.

Sincerely,

Alexis M. Gamboa

The Sotos Law Firm, P.C.

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Chicago, Illinois 60604

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From: Gayle Horn <gayle@loevy.com>

Sent: Wednesday, May 8, 2024 10:15 AM

To: Alexis M. Gamboa <AGamboa@jsotoslaw.com>

Cc: Jennifer Bonjean <jennifer@bonjeanlaw.com>; Ashley Cohen <ashley@bonjeanlaw.com>; Gabriella <Gabriella@bonjeanlaw.com>; heather@loevy.com; arthur@loevy.com; elliot@loevy.com; jon@loevy.com; KELLI HUNTSMAN <kelli.huntsman@cookcountysao.org>; mhowroyd@hinshawlaw.com; Lydon, James M. <jlydon@hinshawlaw.com>; Mehr, Stephen <smehr@hinshawlaw.com>; Stephenson, Michael <mstephenson@hinshawlaw.com>; Eileen E. Rosen <erosen@rfclaw.com>; agrill@rfclaw.com; Brittany D. Johnson <bjohnson@rfclaw.com>; Patrick R. Moran <pmoran@rfclaw.com>; Lisa Meador <LMeador@jsotoslaw.com>; Daniel J. McGinnis <DMcGinnis@jsotoslaw.com>; George Yamin <GYamin@jsotoslaw.com>

Subject: Re: Tyler/Henderson Proposed Protective and HIPAA Orders

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Alexis

Are you free to meet and confer?

Counsel for the Plaintiffs are available Monday between 12-2 or anytime on Thursday.

Thanks,

Gayle

On Mon, May 6, 2024 at 2:01 PM Gayle Horn <gayle@loevy.com> wrote:

Alexis,

We will take a look at these and get back to you.

Thanks,

Gayle

On Fri, May 3, 2024 at 2:34 PM Alexis M. Gamboa <AGamboa@jsotoslaw.com> wrote:

Counsel,

Please see attached proposed Confidentiality and HIPAA orders defendants are seeking to enter. Please let us know your position, per Judge Durkin's standing orders we are required to note if these will be agreed or contested.

Sincerely,

Alexis M. Gamboa

The Sotos Law Firm, P.C.

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